THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17867 OF 2006

30.08.2006

Between:

Reshma Raj, D/o.M.Rajamohanan

… Petitioner

AND

The Mandal Revenue Officer, Seethammadhara, Visakhapatnam and another

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17867 OF 2006

ORDER:

The petitioner is a minor. She is a child of inter-caste marriage between a lady allegedly belonging to Backward Class (BC) in Andhra Pradesh and a gentleman allegedly claiming to be the person of Scheduled Caste in State (SC) in Kerala. It is her grievance that she has made an application to the District Collector, Visakhapatnam, on 13.4.2005 for issue of community certificate. She alleges that the same has not been enquired into and no certificate has been granted so far. Therefore, she filed the instant writ petition under the provisions of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (the Act, for brevity). Depending on the community/caste, the competent authority to issue certificate is either Mandal Revenue Officer (MRO) or Revenue Divisional Officer (RDO). Under Section 5 of the Act, District Collector is empowered to cancel a community certificate obtained by fraud/misrepresentation. It must, therefore, be held that the petitioner made application to an improper authority. Liberty is given to the petitioner to approach either MRO/RDO having jurisdiction for obtaining a certificate under BC category. If the petitioner claims that she belongs to SC by reason of her father as SC in Kerala and of her school records showing that she belongs to SC, the competent authority shall consider the application keeping in view the decision of the Supreme Court in **Palghat Jilla Thandan Samudhaya Samrakshana Samithi v State of Kerala**[1] and the decision of this Court in **D.Balamurali v NTR University of Health Sciences, Vijayawada, Krishna District**[2]. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

August 30, 2006
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[1] (1994) 1 SCC 359

[2] 2004 (6) ALD 291